

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, January 14, 2015, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2568

A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

This Bill proposes to amend Chapter 21, Section 21-91 of the Kaua'i County Code 1987, as amended, relating to Integrated Solid Waste Management, to amend the variable rates for the collection of residential refuse.

All interested persons who wish to present their comments may do so at the public hearing. Written testimonies prior to the hearing would be appreciated. Copies of the proposed ordinance are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2568 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 17, 2014, by the following vote:

AYES: Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
NOES: Chock, Hooser, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING: None	TOTAL – 0.

Lihu'e, Hawai'i  
December 18, 2014

/s/ Ricky Watanabe  
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – December 26, 2014)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 21,  
SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED,  
RELATING TO INTEGRATED SOLID WASTE MANAGEMENT**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. FINDINGS AND PURPOSE. The purpose of this bill is to amend the variable rates for the collection of residential refuse (Pay as You Throw) by amending Section 21-9.1 of the Kauai County Code 1987, as amended, relating to Integrated Solid Waste Management.

SECTION 2. Section 21-9.1 of the Kauai County Code 1987, as amended, is hereby amended as follows:

**“Sec. 21-9.1 County Refuse Collection Fees from Businesses, Commercial, Non-residential, Transient Vacation Rental, Homestay, and Residential Generators.**

(a) Business, Commercial, Transient Vacation Rental, Homestay, and other Non-residential Collection Fees. Business, commercial, educational, transient vacation rental, homestay, and other nonresidential establishments may not receive refuse collection service provided by the County unless an application is received and approved by the County Engineer. Refuse collection fees, for a calendar month, for such classification shall be as follows:

**MONTHLY BUSINESS, COMMERCIAL, TRANSIENT VACATION RENTAL, HOMESTAY, AND OTHER NON-RESIDENTIAL COLLECTION FEES FOR WEEKLY MANUAL OR AUTOMATED REFUSE COLLECTION SERVICE**

**COMMERCIAL REFUSE COLLECTION ASSESSMENT**

	Effective 7/01/2015
Size or Number of Carts	Monthly Fee For Weekly Collection
Automated Collection: Assessment for One (1) 64-gallon cart **	\$64.00
Automated Collection: Assessment for One (1) 96-gallon cart	\$84.00
Manual Collection: Assessment for two (2) 32-gallon receptacles **	\$64.00
Manual Collection: Assessment for Up to three (3) 32-gallon receptacles	\$84.00

**\*\*Minimum charge for each person or business**

Prior to requesting additional carts, receptacles, or service, a business shall subscribe to the maximum standard level of service (96-gallon automated cart or three (3) 32-gallon manual receptacles).

Automated Collection: Assessment for each additional 64-gallon cart	\$64.00
Automated Collection: Assessment for each additional 96-gallon cart	\$84.00

(b) Residential Refuse Collection Assessment. All properties in the County that are classified "serviceable," for refuse collection services provided by the Department, shall pay a *Base Monthly Refuse Collection* assessment according to the schedule below. Beginning July 1, 2015, the County will provide the option of selecting a 64 or 96-gallon automated cart for residential refuse collection. Some areas, as determined by the County Engineer may continue to receive manual collection. The *Variable Residential Refuse Collection Assessment* for a calendar month, for each option shall be as follows:

#### **RESIDENTIAL REFUSE COLLECTION ASSESSMENT**

	<b>Effective 7/01/2015</b>
Size or Number of Carts	Monthly Fee For Weekly
Base Monthly Assessment per Benefitted Property	\$6.00
Automated Curbside Collection: Assessment for one (1) 64-gallon cart	[\$4.00] <u>\$3.00</u>
Automated Curbside Collection: Assessment for one (1) 96-gallon cart	[\$12.00] <u>\$6.00</u>
Manual Curbside Collection: Assessment for two (2) 32-gallon receptacles	[\$4.00] <u>\$3.00</u>
Manual Curbside Collection: Assessment for three (3) 32-gallon receptacles	[\$12.00] <u>\$6.00</u>

Prior to requesting additional carts, receptacles, or service, a resident must subscribe to the maximum standard level of service (96-gallon automated cart or three (3) 32-gallon manual receptacles).

Automated Collection: Assessment for each additional 64-gallon cart	[\$10.00] <u>\$9.00</u>
Automated Collection: Assessment for each additional 96-gallon cart	[\$18.00] <u>\$12.00</u>
Manual Collection: Assessment for two (2) additional 32-gallon receptacles	[\$10.00] <u>\$9.00</u>
Manual Collection: Assessment for three (3) additional 32-gallon receptacles	[\$18.00] <u>\$12.00</u>

Any residence that qualifies for an exemption under Section 5A-11.4 (d) of the Kaua'i County Code shall receive a fifty percent (50%) reduction in the applicable refuse collection assessment specified in this section.

(c) Other Automated Refuse Collection Fees.

1) County-provided carts are the responsibility of the owner and/or occupant. If the Department determines the County-provided cart must be replaced due to intentional damage by the owner and/or occupant and not due to normal wear and tear of the cart, the owner shall be assessed a unit fee of \$100 per cart. Payment shall be made in full to the County prior to replacement of the cart.

(2) The service fee for deactivating and reactivating refuse collection services at the same residence within one (1) year shall be \$50. Payment shall be made in full prior to reactivation of the Account.

(3) The service fee for upsizing or downsizing the size of the automated refuse collection cart once delivered shall be:

- a) There shall be no charge for "downsizing."
- b) A service fee of twenty dollars (\$20) per exchange will be assessed to residents requesting a larger size cart. However one (1) free cart exchange will be allowed within the first six (6) months.
- c) Payment shall be made in full prior to delivery of the new cart.

(d) Service Charges for Residential Refuse Collection.

(1) Annual service charges shall be based on the effective date of the Ordinance codified in this Section and thereafter the fiscal year beginning July 1st of any year; however, where collection services are commenced after July 1st of any year, the annual assessment shall be prorated accordingly on a monthly basis. Regular billings shall be made in accordance with the real property tax assessment billing cycle. Such bills shall be payable together with the real property tax assessments.

(2) Owners may pay for one (1) refuse receptacle per legally permitted dwelling unit. Assessments or fees for any additional receptacles shall be paid in advance of receiving collection services. Credits may be issued against any future collection assessment and shall be issued only upon termination of all refuse collection services."

SECTION 3. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Material to be deleted is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect on July 1, 2015.

Introduced by:



ROSS KAGAWA

DATE OF INTRODUCTION:

**December 17, 2014**

Lihu'e, Kaua'i, Hawai'i

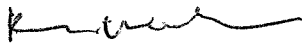
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2568, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 17, 2014, by the following vote:

FOR PASSAGE:	Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 4,
AGAINST PASSAGE:	Chock, Hooser, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i  
December 18, 2014

  
Ricky Watanabe  
County Clerk, County of Kaua'i